

## **DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

The Department of Labor and Industrial Relations (DLIR), established under section 26-20 and specifically provided for in chapter 371, Hawaii Revised Statutes, is headed by the Director of Labor and Industrial Relations. DLIR administers programs to improve job opportunities with job training and placement programs that both benefit employees and employers; protect the employment rights of workers; assure workers of a safe and healthy working environment; and ease the economic hardship of workers during disability or temporary unemployment.

### **Disability Compensation Division**

The Disability Compensation Division administers employee benefit programs to help workers who suffer from on-the-job or off-the-job injuries and illnesses.

**Workers' Compensation: On-the-Job Injury/Illness.** The workers' compensation law, established under chapter 386, Hawaii Revised Statutes, is an employer-paid insurance program that protects workers from hardships caused by on-the-job injuries and illnesses. Workers' compensation replaces lost income (up to two-thirds of an employee's average weekly wage, not to exceed the State's average wage), and pays for medical care and rehabilitation costs. It may also compensate employers for disability and/or disfigurement and provide death benefits to dependents.

**Temporary Disability Insurance: Off-the-Job Injury/Illness.** Employees who are unable to work due to an off-the-job injury or illness may receive income replacement benefits through employer-provided Temporary Disability Insurance (TDI), established under chapter 392, Hawaii Revised Statutes, or through an approved sick leave plan. TDI replaces 58 per cent of the worker's average pay after the seventh day of disability. Employers may require employees to contribute up to one-half of the TDI premium cost, not to exceed 0.5 per cent of their weekly wages.

**Prepaid Health Care.** Hawaii was the first state to adopt an innovative Prepaid Health Care law, chapter 393, Hawaii Revised Statutes. This law sets minimum standards of health care coverage and requires employers to provide eligible employees with a health care plan to pay for medical costs related to off-the-job injuries and illnesses. Coverage includes hospitalization, surgery, office visits, diagnostic tests, and maternity benefits. Employees may be required to contribute up to one-half the premium cost, or 1.5 per cent of their monthly wages, whichever is less.

## **Unemployment Insurance Division**

The Unemployment Insurance Division (UI) administers Hawaii's unemployment insurance program, the Hawaii Employment Security law, chapter 383, Hawaii Revised Statutes. The UI program enables eligible unemployed workers to partially replace lost income for up to 26 weeks, while seeking work. UI benefits are paid from a trust fund financed by employers. Each employer's tax rate is based on prior experience with unemployment risk ("experience rating") plus a surtax related to the balance of the UI trust fund.

## **Employment Security Appeals Referees' Office**

The Employment Security Appeals Referees' Office rules on employment security (unemployment compensation) appeals. Referees' decisions may be appealed directly to the courts.

## **Enforcement Division**

The Enforcement Division coordinates and implements a statewide program to administer and enforce labor laws related to the following:

- (1) Minimum wage and overtime: The minimum wage is \$5.75 per hour effective January 1, 2002, and \$6.25 per hour effective January 1, 2003. Overtime is 1.5 times the regular rate, with some exceptions.
- (2) Wages: Wages must be paid at least twice a month, within seven days after the end of the pay period. Discharged employees must be paid immediately or by the next working day. Employees who resign must be paid by the next regular payday.
- (3) Wages of employees of public works projects: Laborers and mechanics on governmental construction projects in excess of \$2,000 must be paid prevailing wages and overtime.
- (4) Child labor work permits: Prior to employment, minors under 18 years of age must register for a certificate. Depending upon the minor's age, there are some restrictions on the type of occupation and work hours.
- (5) Unlawful suspension or discharge: An employee cannot be suspended, discharged, or discriminated against because of a work injury, garnished wages, or bankruptcy.
- (6) Lie detector tests: Polygraph tests as a condition of employment are illegal.
- (7) Job application fees: Charging job applicants a processing fee is illegal.

## **Hawaii Occupational Safety and Health Division**

The Hawaii Occupational Safety and Health (HIOSH) Division assures the safety and health of workers at all workplaces. HIOSH inspectors may enter a workplace without advance notice to check for hazardous conditions and to investigate workers' complaints and serious accidents. Federal law requires penalties on first instance violations.

HIOSH offers free confidential on-site consultation and training to help employers identify and eliminate job-related hazards. HIOSH maintains a comprehensive library of safety and health materials with a free audit visual loan program as well as a website.

HIOSH also inspects boilers and pressure vessels, elevators, escalators, amusement rides, and other automated people movers.

## **Workforce Development Division**

The Workforce Development Division (WDD) plans, directs, coordinates, and implements a customer-driven statewide workforce development system which delivers employment and training services to job applicants, workers, and industry throughout the State. WDD provides a free referral and placement service that matches workers with jobs, and jobs with workers. For employers, WDD offers job-ready applicants in almost every occupation. WDD screens and refers qualified job seekers, helps employers meet affirmative action plan goals, provides facilities for mass recruitment, and processes job orders through the computerized Job Bank.

The apprenticeship program in WDD works with employers, labor unions, and schools to produce skilled workers through on-the-job training programs. Apprentices are trained in many occupations, including construction, welding, auto mechanics, and body repair.

WDD also administers employment and training programs, including the federal Workforce Investment Act (WIA). WIA offers remedial education, job training, and employment assistance to target groups (low income adults and youth, and dislocated workers). WDD oversees WIA in partnership with local governments and workforce investment boards.

## **Research and Statistics Office**

The Research and Statistics Office (R&S) provides research and statistical services to departmental programs in their formulation of economic policies and program delivery. R&S also conducts occupational and labor market research such as in the areas of employment and unemployment, occupational outlook, wages, and mass layoffs. R&S also administers the Career Kokua program, a statewide career information delivery system to provide career, job, occupational, educational, and training information to youths, adults, and jobseekers.

## **Attached for Administrative Purposes**

### **Hawaii Workforce Development Council**

The Hawaii Workforce Development Council (WDC), established under chapter 202, Hawaii Revised Statutes, has thirty-one members, the majority of whom are from the private sector, including the Chairperson, and are appointed by the Governor. The remaining members are five state agencies, four state legislators, two county mayors, the Governor's representative, two labor union members, and a representative from a native Hawaiian workforce organization. WDC advises the Governor, Legislature, counties, and state officials about workforce, employment, related education and training, and economic issues affecting the workforce, career development, and technology skills. WDC also serves as the State Board under the federal Workforce Investment Act, Public Law 105-220.

### **Hawaii Labor Relations Board**

The Hawaii Labor Relations Board, established under section 89-5, Hawaii Revised Statutes, is composed of three members, one who represents management, one who represents labor, and the third member, the Chair, who represents the public. All members are appointed by the Governor to six-year terms. Among its duties, the Board resolves disputes concerning the designation of appropriate bargaining units under section 89-6, Hawaii Revised Statutes; resolves disputes concerning cost items; supervises elections for the determination of employee representation; conducts proceedings on prohibited practice complaints by employers, employees, and employee organizations; and establishes lists of qualified persons to serve as mediators, members of fact-finding boards, or arbitrators.

### **Labor and Industrial Relations Appeals Board**

The Labor and Industrial Relations Appeals Board, established under section 371-4, Hawaii Revised Statutes, is composed of three members appointed by the Governor, with the advice and consent of the Senate, to ten-year terms. The Governor designates the Chairperson who is an attorney. The Board rules on appeals from decisions and orders of the Director of Labor and Industrial Relations issued under the workers' compensation law and any other law for which an appeal to the Board is provided by law.

### **Office of Community Services**

Programs coordinated through the Office of Community Services, established under section 371K-2, Hawaii Revised Statutes, include: the Progressive Neighborhoods Program, the Hawaii Office of Economic Opportunity, the Refugee Resettlement Program, and the State Immigrant Services Center.

## **Fire Council**

The Fire Council, established under section 132-16, Hawaii Revised Statutes, consists of the fire chiefs of the counties. In addition to adopting a State Model Fire Code pursuant to section 132-3, Hawaii Revised Statutes, the Council serves as the focal point through which all applications to the federal government for grant assistance for fire-related projects are made. The Council may advise and assist county fire departments where appropriate; prescribe standard procedures and forms relating to inspections, investigations, and reporting of fires; and advise the Governor and Legislature with respect to fire prevention and protection, life safety, and any other functions or activities for which the various county fire departments are generally responsible.

## **Civil Rights Commission**

The Civil Rights Commission, established under section 368-2, Hawaii Revised Statutes, is composed of five members appointed by the Governor with the advice and consent of the Senate. The Governor designates one of the Commissioners as Chairperson of the Commission. Under section 368-3, Hawaii Revised Statutes, the Commission has the power to: receive, investigate, and conciliate complaints alleging any unlawful discriminatory practice under chapter 489 (discrimination in public accommodations), chapter 515 (discrimination in real property transactions), part I of chapter 378 (discrimination in employment practices), and complaints filed under chapter 368, Hawaii Revised Statutes; hold hearings and make inquiries to carry out properly its functions and powers; commence civil action in circuit court to seek appropriate relief; issue the right to sue to a complainant; and order appropriate legal and equitable relief or affirmative action when a violation is found.

